

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
YANILZA GONZALEZ, *on behalf of herself and all* :  
*others similarly situated,* :

Plaintiff, :

23-CV-7936 (JMF)

-v- :

ORDER

PESCO CLOTHING, INC., :


Defendant. :  
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JESSE M. FURMAN, United States District Judge:

On December 11, 2023, the Court issued an Order to Show Cause why this case should not be dismissed for failure to serve the summons and Complaint within the 90 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure. ECF No. 7. On December 13, 2023, Plaintiff filed proof of service indicating that service of the summons and Complaint, along with the Court's December 11, 2023 Order, was executed on December 12, 2023. ECF Nos. 8, 9. Plaintiff did not even try to demonstrate good cause for the delay, but, as a courtesy and mindful of the presumption in favor of resolving cases on the merits, the Court grants Plaintiff an extension of time to serve pursuant to Rule 4(m), *nunc pro tunc*, and service is deemed timely. That determination is without prejudice to Defendant arguing that service was improper.

SO ORDERED.

Dated: December 14, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge